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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE 23ANDME, INC., CUSTOMER
DATA SECURITY BREACH LITIG.**

This Document Relates to:
ALL ACTIONS

Case No. 24-md-03098-EMC

**SUPPLEMENTAL DECLARATION OF
RAFEY S. BALABANIAN IN SUPPORT OF
PLAINTIFFS' MOTION TO APPOINT
INTERIM LEADERSHIP OF CLASS
ACTION**

Judge: Hon. Edward M. Chen

1 Pursuant to 18 U.S.C. § 1746, I, Rafe S. Balabanian, hereby declare and state as follows:

2 1. I am an attorney admitted to practice law before this Court. I am over the age of 18
3 and fully competent to make this Declaration. I have personal knowledge of the facts set forth
4 herein and if called upon to testify as a witness, I could and would competently testify hereto.

5 2. I am the Managing Partner and Director of Nationwide Litigation of Edelson PC. My
6 firm represents Plaintiffs David Melvin and J.L. in the above-captioned case. I submit this
7 Supplemental Declaration in Support of Plaintiffs' Motion to Appoint Interim Leadership of Class
8 Action.

9 3. One of Edelson's chief value-adds is our demonstrable record at responding to new
10 kinds of harms, particularly in privacy. We've mentioned (plenty) that we were the first to file suit
11 under the Illinois Biometric Information Privacy Act ("BIPA"), and the exceptional result we
12 achieved in that case. But we also consistently secured the decisions—from the trial court to the
13 Illinois Supreme Court—that paved the way to the hundreds of millions of additional dollars we've
14 recovered for consumers. *E.g.*, *Sekura v. Krishna Schaumburg Tan, Inc.*, 2018 IL App. (1st)
15 180175, ¶ 84 (pre-Rosenbach, holding violation of statute sufficient for plaintiff to be "aggrieved");
16 *Rottner v. Palm Beach Tan, Inc.*, 2019 IL App. (1st) 180691-U, ¶ 12 (violation of statute sufficient
17 to claim liquidated damages); *McDonald v. Symphony Bronzeville Park, LLC*, 2022 IL 126511, ¶ 50
18 (holding that the Illinois Workers' Compensation Act does not preempt BIPA claims against
19 employers).

20 4. We did the same with the Telephone Consumer Protection Act ("TCPA") prior to the
21 \$76 million result in *Birchmeier v. Caribbean Cruise Line, Inc.*, No. 12-cv-04069 (N.D. Ill.),
22 obtaining the first appellate ruling holding that the TCPA applied to text messages and the first
23 settlements on that theory. *See Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 951-54 (9th Cir.
24 2009).

25 5. We secured the first-ever adversarial class certification under the Illinois Right of
26 Publicity Act against websites offering individuals' identities for sale, leading to the highest
27 settlement in those cases to date (with more to come). *See Fischer v. Instant Checkmate LLC*, No.
28 19-cv-04892, dks. 192, 283 at 1 (N.D. Ill.) (\$10.1 million settlement).

